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November 6, 2006

Federal Aviation Administration
Manager
Airman & Airspace Rules Division
800 Independence Avenue, S.W.
Washington, D.C. 20591

FAA-2006-26380-1

Dear Sir/Madam:

My name is Charles R. Kay, airline transport pilot #1638041, I am requesting an age 60-rule exemption to pilot aircraft in commercial air transport operations, predicated upon satisfying the same criteria that apply to pilots under the age of 60.

On November 23, 2006 ICAO will raise the upper age limit for aircraft commanders to age 65 (or higher for those nations desiring to do so). On that day, foreign aircraft commanders over the age of 60 will be allowed to fly into the United States carrying American passengers. At the same time, American pilots will not have the same rights to carry American passengers in our own country. This is a double standard that cannot go unnoticed.

This request for an age 60 rule exemption is indeed based on the fact that foreign airline pilots over the age of 60 will be allowed to fly in the United States on November 23, 2006 and that I satisfy the same criteria as my foreign counterparts.

I applaud the United States for recognizing the new ICAO upper age limit of age of 65 and in doing so, allowing foreign pilots over age 60 to fly onto American soil. It must follow that the American government recognizes Part 121 flying by over age 60 pilots as being a safe practice. This is the basis upon which I will enter my request.

In allowing foreign pilots over the age of 60 to fly into the United States, the FAA is in essence granting these foreign captains an age 60 rule exemption. The FAA at the same time is denying American pilots the same exemption as our foreign counterparts are being granted. As stated above, this is a double standard and could be age discrimination in its most basic form. Our foreign counterparts are not unique when compared with other pilots who are subject to the rule. They are however being allowed this right uniquely based on the new ICAO retirement age.

The FAA is not new to granting age rule exemptions. On January 06, 1992 the FAA approved a request on behalf of Corse-Air International an extension to the age 60 rule. This approval was granted to Corse-Air and then had to be compliant to the age 60 rule by October 31, 1993. On November 25, 1992 the FAA granted to Cargolux an extension to the age 60 rule and then had to be compliant by July 31, 1993. On November 08, 1993 the FAA granted to Icelandair an extension to the age 60 rule and then had to be compliant by July 31, 1994. These age 60 rule extensions were granted to allow these airlines the necessary time to train the new pilots needed for each of these airlines to become compliant with the age 60 rule. As is shown by these examples, the FAA has set the precedent by allowing these extensions and also shows the FAA can allow extensions to occur for airline pilots.

The EEOC has also spoken on the age 60 issue. Both Boeing and Grumman were challenged by the EEOC and each company resolved their case by consent decrees in which each company agreed to raise or eliminate their age limitations. At the present time, the EEOC has challenged Exxon Mobil about the forced retirement of their pilots at the age of 60. This challenge should be

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"Finally, we again urge the FAA to vigorously pursue its reconsideration of the Age 60 rule and ultimately to change that rule. The practical experience of older pilots has great value in a professional calling for complex and split-second judgments. Moreover...medical and proficiency tests are effective and non-discriminatory ways to assure that commercial pilots maintain the highest standards of safety at all ages."

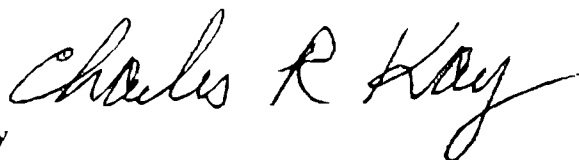
*Elizabeth M. Thornton
Deputy legal Counsel*

A study completed at Johns Hopkins by Susan Baker, found that a pilot's experience is a better indication of crash risk than age. Ms. Baker stated *"Our study indicates that chronologic age by itself has little bearing on safety performance. What really matters are age-related changes, such as health status and flight experience"*. The study found that pilots with more than 5,000 hours of flight experience had less than half the crash risk than less experienced counterparts. This study shows that experience is a primary factor for safety performance. A change to allow airline pilots to fly to age 65 enhances safety by allowing experienced pilots to remain in the cockpit.

It is on the basis that on November 23, 2006, foreign aircraft commanders over the age of 60 will be allowed to carry American passengers onto American soil that I again request an age 60 rule exemption. To allow foreign pilots over the age of 60 the right to fly into the United States and not accord American pilots the same rights is a double standard that hints of age discrimination. History reveals that the FAA has previously granted pilots over the age of 60 the right to carry American passengers into the United States. In addition, the EEOC has asked the FAA "to vigorously pursue its reconsideration of the Age 60 rule and ultimately to change that rule."

The nations of the world have recognized this change to age 65. Now is the time for the United States to join ICAO and recognize age 65 as the retirement age for airline pilots.

Sincerely,



Charles R. Kay

AIRLINE TRANSPORT PILOT
1638041